

Frequently Asked Questions

August 27, 2012 – In general terms, what are your usual and customary fees per unit for sex offender treatment around the state of Oregon?

The prices for services vary by location and in some cases by the size of the program and qualifications of the service provider. Generally speaking:

Assessments \$1,200 - \$275 each,
Individual Counseling \$35 - \$80 per unit.
Group Counseling \$12.50 - \$20 per unit

August 23, 2012 – Regarding RFP 0979-13-11 - What are the Unit Prices charged for these services in the past?

Fiscal year 2012 prices were: 5011 - \$350 each. 6010 - \$65 per unit (1/2 hour)

August 22, 2012 – Please clarify any information you would like to be included about the agency (history, programming, cultural expertise, etc...).

The RFP, while generic in many ways, provides detailed and specific instructions for successful completion. The vendor is in the best position to decide what information to provide while following these instructions.

August 22, 2012 – Would you like a statement about the agency and our ability to perform the RFP requirements? If so, what would you like to be included in the statement and where should we place it?

It is not necessary to submit a separate, stand-alone statement describing your ability to perform the requirements of the RFP. By submitting the BACKGROUND STATEMENT the offeror warrants that all information contained therein is correct and accurately reflects the offeror's ability to perform (Page L-4 [3]). Please be sure to address all of the BACKGROUND STATEMENT requirements in paragraphs 2.a through d (Page L-3).

August 22, 2012 – Project Code 2022 (Manualized Cognitive Behavioral Group) is a new service from prior RFPs. Are we to include this in our proposal?

Yes. Evidenced continues to support Cognitive Behavioral Treatment (CBT) programs that specifically target the criminal thinking component of the individuals we work with. This solicitation not only includes this new Project Code, I have increased the Estimated Monthly Quantity (EMQs) in each of the subsequent fiscal years in anticipation of offenders responding positively.

August 21, 2012 - Regarding the staff qualification requirement for either BA/BS or Masters: Recognizing that staff move in and out of positions in substance abuse counseling, will you accept a CADAC II plus Associate's degree plus experience?

You must have at least one staff member who meets the qualifying standards described under Staff Qualifications, items 6(a) and (b). Paraprofessionals without these credentials may work under the direct supervision of and in conjunction with a staff member who meets these requirements after obtaining approval from me (See Staff Qualifications item 8).

August 21, 2012 - In the past, the Prob. Form 45 included Residential Placement (Therapeutic Community Treatment 1001). The Prob. Form 45 included in this solicitation lists only individual counseling (2010) and group counseling (2020). How will we be informed of the length of residential treatment you are authorizing for a given client?

The list of attachments in Section J are samples. The Prob 45s sent to vendors are generated electronically in our system and are customized to meet all of the services for which each vendor provides. As noted in Section C under Therapeutic Community Treatment (1001), the duration of treatment will in most cases not exceed 270 days. At this time, Pretrial Services will continue with a minimum 60-day placement. Probation will request a minimum 90-day placement.

August 21, 2012 - On the Prob. Form 45, under the Services Ordered section, will the "Phase" column tell us how many sessions of either individual counseling (2010) or group counseling (2020) you are authorizing for the after care? If not, how will that be communicated?

The "Phase" column is generally for urine collection. The number of sessions is documented in the "Frequency" column.

August 20, 2012 - In Solicitation 0979-13-13, with regard to "local services": There are only four listed "acceptable responses" when submitting a price for items listed in Section B. If the listed "local service" is not available in our catchment area at this time, what would the acceptable response be since "N/A" is not listed as an acceptable response? "No charge" does not seem a suitable response for an item that does not exist, but it appears to be the closest.

This question is regarding the District of Oregon's Reentry Court Program.

For some time now there has been discussion about starting a Reentry Court Program in this Catchment Area. While it has not happened yet, I expect it will during the life of this solicitation (2013-2015). Please indicate your price for this service (Project Code 2000) in Section B as if the program were in place beginning October 1, 2012 and for subsequent fiscal years 2014 and 2015.

For any item that the offeror will provide without charge or without additional charge, the offeror shall insert "N/C" in the Unit Price column of Section B.

August 20, 2012 - Section A shows pages "1 of 2" with no page "2 of 2." A second page with just a line at the top does follow page 1 of 1. Would you like this page returned in the packet as the second page of section A?

We noticed when putting the RFPs together that page 2 was exactly as you state; just some lines across the top. After realizing there was no way to rename the first page, "Page 1 of 1" we decided it would be best to send page two even though it's meaningless.

It is not necessary to submit this page when sending your offer.

August 17, 2012 - We are a new business and have not inspected, monitored, or certified by federal, state, or local authorities. Are we excluded from submitting an RFP since we will be found technically unacceptable for not submitting these documents?

No – New business that have not had inspections, monitors, etc... are not excluded from bidding. For this requirement, simply respond that you are a new business and have not gone through any of these processes in the past.

Please note that if you are the new owner or manager of a business that has been monitored or inspected and you have access to those records, they should be submitted.

August 17, 2012 – RFP 0979-13-11 - We have a similar question regarding treating male and/or female offenders.

Can we apply to just treat female offenders under this RFP?

No - RFP 0979-13-11 requests services for Mental Health Intake Assessment and Report (Project Code 5011) and Individual Counseling (Project Code 6010). It is understood that counselors often specialize in certain areas such as couples counseling, parenting issues, grief, and especially issues specifically related to women. However; when considering the need for these services, the ratio of male to female offenders in the district of Oregon (80/20), and the required qualifications of the provider(s), it is assumed that he/she will treat both men and women.

Reminder to all vendors submitting RFPs:

All RFPs must be received in this office no later than Wednesday, September 5, 2012, at 3:00pm. There are no exceptions.

Please remember that Monday, September 3rd is Labor Day. There is no mail service on this day.

August 17, 2012 – Under Section M.2(b): Proposals that take exception to the terms and conditions will be determined technically unacceptable and the offeror will be so advised.

Can we apply to just treat female offenders under this RFP?

Yes – RFP 0979-13-15 and 0979-13-16 have residential treatment components. Please indicate on Page B-2 when offering your unit price whether the services you offer are for MEN, WOMEN, OR BOTH.

Please note that the estimated monthly quantity is based on servicing both men and women. The estimated ratio of men to women supervised in the district of Oregon is 80/20. Thus, if you were to offer services to women only, the number of units estimated just for women would be approximately 20% of the total estimated monthly quantities listed on page B-2 for Project Code 1001.

Since this information was not included in the RFP sent to vendors, any offers received not specifying men, women or both will be contacted for “clarification.”

August 16, 2012 – We received only paper copies of the RFP attachments in the mail. You suggest there is a typable pdf document. Can you post or send that?

There is such a thing as a typable pdf. Unfortunately, everything I have tried to send or post it has failed. Please print and send hard copies with your bids.

August 15, 2012 - On Page L-3 of 12 - Preparation of Background Statement (Attachment B), it states “The offeror shall prepare and submit as part of its offer a BACKGROUND STATEMENT addressing the requirements in paragraphs 2a through d below.” Other than 2b, which asks for a statement of where services will be provided, the requirements in 2a through 2d ask for copies of monitoring reports, licenses, compliance reports, etc. So, it’s not entirely clear if you are asking for an actual explanation of our experience providing the services requested in the BPA (as we have done in past solicitations), or whether you just want copies of the reports. The prior solicitation said, “...in which the offeror describes its experience in providing the requested contract services.”

The Background Statement addresses the requirements in paragraphs 2.a through d. While the requirements ask for copies of several documents, there are also several instances where an explanation or clarification may be needed.

Example - You completed your state inspection on July 31, 2012, and just received the report. There were three deficiencies found which resulted in an unsatisfactory rating.

You are given 60 days to correct the deficiencies. Re- inspection is scheduled for October 1, 2012. Since you are required to submit the failed inspection report, an explanation of the circumstances that resulted in the unsatisfactory rating and what you have done to correct the deficiencies may be necessary.

For additional assistance with the Background Statement, please see Section M which details specifically how I will evaluate the RFP for award.

On Attachment C – Offeror’s Staff Qualifications, do you want only direct service staff or do you want us to include administrative support staff, such as those in the billing department and senior management?

All staff performing services under any resultant Agreement should be included.

August 14, 2012 - We just learned of an RFP for services in our area that we now provide. Is it too late to request that RFP be sent to us?

You may request an RFP at any time prior to its due date (September 5, 2012); however, the due date cannot be extended. Late requests will be mailed the day of the request.

August 14, 2012 - RFP 0979-13-15 indicates physical exam to be inclusive in the per diem rate. Is there a current RFP for medical services?

This question relates to the residential treatment (Project Code 1001) portion of RFP 0979-13-15. The physical exam should be considered in the basic unit price offered for Project Code 1001. There is no RFP for medical services (except urine collection) in the district of Oregon this year.

August 14, 2012 - We offer Peer Support as a part of our program. Can this be added to the RFP and/or is there another RFP requesting this service we can bid on?

You cannot add a service to an RFP. There is no RFP for Peer Support in the district of Oregon this year.

August 10, 2012 – Is US Probation excepting chemical dependency and mental health treatment issues to be treated concurrently while in therapeutic community (Project Code 1001)?

It is expected that a percentage of offenders referred for residential substance abuse treatment (Project Code 1001) will have co-occurring disorders (dual diagnosis). Project Code 1001 states in part that vendors providing this service “... promote substance free living and mental health stability.” While intensive mental health treatment or psychiatric

services are not expected, promoting mental health stability along with substance free living is.

August 10, 2012 – Is mental health treatment being considered only as an outpatient service?

Yes. We are not soliciting for residential mental health services at this time.

August 10, 2012 – Regarding the new RFP; there are new forms in the packets we received. Are these forms to be used beginning October 1, 2012, if we are awarded the contract?

Yes. The forms in this solicitation (0979-13-1 through 16) will be used beginning October 1, 2012. Current vendors should continue to use the forms they are currently using until then.

Something new this year: I will be holding a “Post Award Conference” for all vendors who win awards. At that conference, I will go over the RFP and answer any questions staff may have. All staff who work with federal offenders are welcome, including payroll staff.

August 9, 2012 - On Page B- 2 of 2, it lists the Mental Health Counseling Services. Can we add other services to this list? For example, we have different Group Counseling (Project Code 6020) Unit Prices, depending on which program they are enrolled in at our facility. Also, we run into a similar issue with our Individual Counseling (Project Code 6010) Unit Prices being different than our Intake Sessions' Unit Prices.

This question references RFP 0979-13-07 only.

You cannot add other services to the RFP. If you have different prices for the same project codes because the service(s) you provide targets certain groups, behaviors, etc.... you will have to determine which of your services best fits the needs of our offenders and submit that offer. Please remember all services must adhere to the Oregon Department of Justice Batterer Intervention Program Rules (see Local Services, page C-16).

Please note that an “intake” and/or assessment are not included in this RFP. Recent changes require a full mental health assessment identifying domestic violence/anger management issues when associated with an underlying mental health diagnosis (see Local Services, page C-16). You are allowed to use an individual session at the beginning of treatment as an intake/orientation to the program.

August 8, 2012 - Upon looking through the RFP for the Treatment Services Solicitation, I noticed there were numerous pre-filled forms that need to be filled out for the proposal. I was curious as to whether there is an electronic copy available for vendors?

No. See answer below regarding Word version.

August 8, 2012 - Can you send us a Word version so we can type right on the forms? That would be really helpful.

No. Concerns have been raised about doing this because it would not only allow you to type in the blanks but also change wording in the document. There is a “typewriter” function in pdf that may allow you to type on the forms.

Can you clarify the square footage with regard to fire extinguishers? On page C-10 of 23, under the section on Safety Precautions, number (4) says: “Portable fire extinguishers throughout the facility appropriately rated and classed (i.e., Rated 2A, Class A extinguisher per 600 square feet for light hazard occupancy with a maximum travel distance of 75 feet to an extinguisher.)” The prior RFP said 6000 square feet. Is this an intentional difference or a typo? Perhaps the 6000 was the typo in the first place? Can you confirm so that we can be sure we are meeting the right specification?

Each facility shall have portable fire extinguishers throughout the facility appropriately rated and classed. Use the State of Oregon fire code requirements. The 600 square feet note is just an example of a Class A fire extinguisher and its restrictions.

Can you confirm that the signed Certification for Contractors on the Sexual Misconduct Policy (and the policy itself) does NOT get submitted now as part of our response? I believe that to be true, based on Page C23 of 23, which indicates that vendors will be asked to certify after the award is made that all staff have read and understand and will comply with the policy. But it’s a little unclear.

This certification is not required as part of the response. Only vendors who win the awarded will be required to make this certification.

August 6, 2012 - Vendors bidding on BPA Solicitation Number: 0979-13-15 for residential substance abuse treatment in the southern Oregon catchment area noticed pages B-1 and B-2 reflects solicitation number 0979-13-16 at the bottom. This is an error.

Page B-1 is generic to all solicitations, thus there is no change. Page B-2 is specific to each solicitation so there is a change.

Regarding Residential Placement: The correct Estimated Monthly Quantity for 2013, 2014, and 2015 is 150 Units for each fiscal year. All of the other information on this page is correct.

I will be faxing and mailing the corrected Page B-2 to all vendors who received this solicitation.

An offender in services at my agency has requested that I disclose his/her treatment records to a third party. Can I do this? Do I have to get the permission of the probation office first?

The Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), allows federal vendors to provide individual federal clients access to their records or, alternatively, to request that a provider "mail a copy of the protected health information at the individual's request" [Title 45 C.F.R. 164.524(c)(3)]. Vendors may release treatment information directly to requesting third parties in accordance with HIPAA regulations. Vendors should be aware, however, pursuant to Page C-45(b)(1) through (7) of the Blanket Purchase Agreement, the vendor is still required to notify the United States Probation and Pretrial Services Office of any request for treatment information prior to making the disclosure. For complicated matters or specific questions, it is recommended that vendors seek legal advice from your own counsel since HIPAA compliance is ultimately your obligation. Vendors may also allow defendant/offender access to their treatment records in accordance with HIPAA regulations.

Our state's licensing agency wants to review our federal files as part of our licensing audit. I know the federal files must be maintained as confidential. Can I let the state auditors review the federal files?

Whether an entity seeking to conduct an audit or evaluation is permitted to do so is a matter that each vendor must resolve under the federal regulations discussed below.

I. The HIPAA Privacy Rule Section 165.512 of the HIPAA privacy rule sets forth "[u]ses and disclosures for which an authorization or opportunity to agree or object [by the patient] is not required." 45 C.F.R. § 165.512. Among such allowed disclosures are those for "health oversight activities":

(d) Standard: Uses and disclosures for health oversight activities.

(1) Permitted disclosures. A covered entity may disclose protected health information to a health oversight agency for oversight activities authorized by law, including audits; civil, administrative, or criminal investigations; inspections; licensure or disciplinary actions; civil, administrative, or criminal proceedings or actions; or other activities necessary for appropriate oversight of:

(i) The health care system;

(ii) Government benefits programs for which health information is relevant to beneficiary eligibility;

(iii) Entities subject to government regulatory programs for which health information is necessary for determining compliance with program standards; or

(iv) Entities subject to civil rights laws for which health information is necessary for determining compliance. Id. § 164.512(d).

The privacy rule defines "health oversight agency" as follows: Health oversight agency means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is authorized by law to oversee the health care system (whether public or private) or government programs in which health information is necessary to determine eligibility or compliance, or to enforce civil rights laws for which health information is relevant. Id. at 164.512 (emphasis added). Notwithstanding that it is a non-governmental entity; CARF would qualify as a "health oversight agency" if either the probation office grants it oversight authority or the probation office authorizes the vendor to grant CARF oversight authority. Of course, CARF would have to be otherwise "authorized by law to oversee the health care system." Presumably, state laws in the districts where CARF has conducted audits authorize CARF to oversee treatment facilities. Thus, the privacy rule allows health care providers (which are "covered entities") to disclose protected health information to "health oversight agency[ies] for oversight activities authorized by law." This could potentially include state, federal, or nonprofits such as CARF. Whether an entity qualifies as a health oversight agency, however, is an issue for each vendor to resolve under § 164.512 and state law.

II. The Drug Treatment Confidentiality Regulations Section 2.53 of the drug treatment confidentiality regulations allows federal, state, and local governmental agencies to review treatment records if authorized by law to regulate the vendor's activities. 42 C.F.R. § 2.53(a)(1)(i). In addition "a quality improvement organization performing a utilization or quality control review" or an entity "determined by the program director to be qualified to conduct audit or evaluation activities" may review treatment records. Id. § 2.53(a)(1)(ii) &

(a)(2). If the vendor determines that any of the foregoing entities are authorized to have access to treatment records under § 2.53(a), the reviewing entity must "agree" in writing to comply with the limitations on redisclosure and use in [§ 2.53(d)]." Section 2.53(d) essentially limits an auditor to disclosing and using treatment information that was disclosed during an audit to notify the treatment provider of the auditor's evaluation. Section 2.53(d) also provides for disclosure and use to investigate or prosecute a program, or a person holding the records, if the agency obtains a court order under 42 C.F.R. § 2.66. In sum, the HIPAA privacy rule allows auditors to have access to records if they are employed by a "health oversight agency" and they are performing "oversight activities authorized by law." The drug treatment confidentiality regulations also allow access so long as a § 2.53 compliant form is signed by the auditor who qualifies under § 2.53(a). Attached is a draft form demonstrating what the drug treatment confidentiality regulations would require an auditor to sign before receiving access to drug treatment records. Vendors should currently be using a form similar to this. The regulations do not specify that such a form need be completed for each file reviewed. Rather, they state that when an auditor reviews "patient records," she must sign a written agreement to comply with the § 2.53 limits on disclosure. [This is interpreted] as simply requiring one written agreement for each audit or review of multiple records. A sample release form for these purposes can be found on this website in the Vendor Information/Forms section.

In order to comply with state substance abuse licensure requirements, I must complete an intake assessment on each individual referred for services. The USPO didn't authorize an intake assessment on the program plan. Can I complete an assessment and charge for it anyway? Can I refuse to begin treatment until the USPO authorizes an intake assessment?

No and No. The Blanket Purchase Agreement (BPA) between the vendor and the U.S. Probation/Pretrial Services Office states on page C-1, "The vendor shall provide services strictly in accordance with the program plan for each defendant/offender. The government shall not be liable for any services provided by the vendor that have not been authorized for that defendant/offender in the program plan."

Oftentimes, a USPO has enough supporting documentation regarding an offender's substance abuse history, that it is not necessary for the USPO to request an assessment to know that an offender/defendant is in need of treatment. USPOs have at their disposal a presentence investigation report, institutional treatment and adjustment reports, and they have also administered the Texas Christian University Drug Screen (TCUDS) prior to making the treatment referral.

If the vendor must complete an assessment for state licensure, purposes, the vendor should still complete an assessment. The vendor may not, however, charge the government for this assessment. If the USPO has authorized individual counseling sessions, it would be appropriate for the vendor to spend the initial counseling sessions completing the state-required assessment. If the USPO has not authorized individual counseling sessions, the

vendor must completed the state-required assessment on the vendor's time. The vendor should factor this possible scenario into the price bid for services during the contract solicitation cycle.

My BPA with the probation office says I have to keep all federal files separate from other client files. Does this mean that I also can't put federal offenders/defendants in services with other clients?

No. You are correct that your BPA requires in section C that, "The vendor shall segregate defendant/offender files from other vendor records." This separation is required only for the actual treatment files, not the clients themselves. The vendor, may place federal defendants/offenders in group counseling sessions with other non-federal clients. For example, a cognitive-behavioral treatment group of federal offenders and state offenders would be appropriate under this contract. The vendor should, however, check with other contracted agencies to ensure those agencies are in agreement with such a "mixed" group. The vendor would also be cautioned about placing federal offenders/defendants in a group with non-criminal justice clients.

I have been subpoenaed by a defendant/offender's attorney to testify in court. How do I proceed?

If you are requested or subpoenaed by an attorney to appear in court, you should immediately contact your assigned contract specialist. The BPA with the probation/pretrial services office does provide in section C for the event of vendor testimony. Your contract specialist will guide you through this process.

Will officers inform our agency about defendants/offenders who are HIV positive or who have been diagnosed with AIDS?

The U.S. Probation Office policy regarding disclosure of HIV to third parties is governed by Guidelines for U.S. Probation and U.S. Pretrial Services Officers Supervising Person Who Have Been Exposed to the Human Immunodeficiency Virus (HIV) or Who Have Acquired Immune Deficiency Syndrome (AIDS), as approved by the Judicial Conference Committee on Criminal Law. In short, we are not authorized to disclose HIV/AIDS information without written informed consent by the defendant/offender. (There are some exceptions for custodial situations). In addition, we are bound by state law in this regard. Please remember that universal precautions should be used in all cases.